

09/28/99
jc520 U.S. PTO

Practitioner's Docket No. 696-P-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

jc525 U.S. PTO
09/40/651
09/28/99

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): RICHARD J. ROGERS ET AL

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(f) is filed supplying or changing the name or names of the inventor or inventors."

For (title):

LOCATION MARKER

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 9/28/99, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL346910519, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Rosanne Oft

(type or print name of person mailing paper)

Rosanne Oft
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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1. Type of Application

This new application is for a(n)

(check one applicable item below)

☒ Original (nonprovisional)

☐ Design

☐ Plant

WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

WARNING: Do not use this transmittal for the filing of a provisional application.

NOTE: If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

☐ Divisional.

☐ Continuation.

☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. Each prior application must also be:

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in § 1.51(b); or

(iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or

(iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

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WARNING: When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

10 Pages of specification

2 Pages of claims

3 Sheets of drawing

WARNING: DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 CFR 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page . . ." 37 C.F.R. 1.84(c).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).
- ☐ formal
- ☒ informal

B. Other Papers Enclosed

7 Pages of declaration and power of attorney

1 Pages of abstract

 Other

4. Additional papers enclosed

- ☐ Amendment to claims
- ☐ Cancel in this applications claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations

- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or oath (including power of attorney)

NOTE: A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)-(3).

NOTE: A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name including family name and at least one given name, without abbreviation together with any other given name or initial, and the residence, post office address and country or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)-(4).

☒ Enclosed

Executed by

(check all applicable boxes)

☒ inventor(s).

☐ legal representative of inventor(s).
37 CFR 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

NOTE: Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

☐ Showing that the filing is authorized.
(not required unless called into question. 37 CFR 1.41(d))

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6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
 - ☐ will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 CFR 1.52(d).

- ☒ English
- ☐ Non-English
- ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

8. Assignment

- ☐ An assignment of the invention to _____
- _____
- ☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
 - ☐ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

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9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. 1.16)

A. ☒ Regular application

CLAIMS AS FILED				
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a)	
			\$790.00	\$760.00
Total -12-				
Claims (37 CFR 1.16(c)) - 20 =	0	×	\$ 22.00	
Independent -2-				
Claims (37 CFR 1.16(b)) - 3 =	0	×	\$ 82.00	
Multiple dependent claim(s), if any (37 CFR 1.16(d))		+	\$270.00	

- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$ 760.00

B. ☐ Design application
(\$330.00—37 CFR 1.16(f))

Filing Fee Calculation \$

C. ☐ Plant application
(\$540.00—37 CFR 1.16(g))

Filing fee calculation \$

11. Small Entity Statement(s)

- ☒ Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

WARNING: "Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 1.28(a)(2).

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application
_____ / _____, filed on _____, from which benefit
is being claimed for this application under:

35 U.S.C. ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 380.00

NOTE: Any excess of the full fee paid will be refunded if small entity status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 CFR 1.28(a).

12. Request for International-Type Search (37 C.F.R. 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

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13. Fee Payment Being Made at This Time

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)
- ☒ Enclosed
- ☒ Filing fee \$ 380.00
- ☐ Recording assignment
(\$40.00; 37 C.F.R. 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION".) \$ _____
- ☐ Petition fee for filing by other than all the
inventors or person on behalf of the inventor
where inventor refused to sign or cannot be
reached
(\$130.00; 37 C.F.R. 1.47 and 1.17(i)) \$ _____
- ☐ For processing an application with a
specification in
a non-English language
(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$ _____
- ☐ Processing and retention fee
(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l)) \$ _____
- ☐ Fee for international-type search report
(\$40.00; 37 C.F.R. 1.21(e)) \$ _____

NOTE: 37 CFR 1.21(f) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 CFR 1.53(f) and this, as well as the changes to 37 CFR 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(f) must be paid, within 1 year from notification under § 53(f).

Total fees enclosed \$ 380.00

14. Method of Payment of Fees

- ☒ Check in the amount of \$ 380.00
- ☐ Charge Account No. _____ in the amount of \$ _____

A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

(Application Transmittal [4-1]—page 8 of 11)

60360" 19920400

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. _____:

☐ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. §§ 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. 1.17 (application processing fees)

NOTE: ". . . A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . ." From the wording of 37 CFR 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

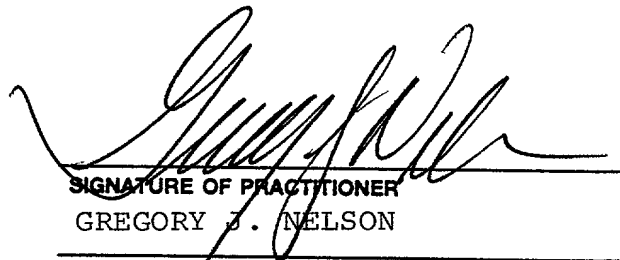
NOTE: ". . . Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ Credit Account No. _____
☒ Refund

Reg. No. 22,066

Tel. No. (602) 263-8782

Customer No.


SIGNATURE OF PRACTITIONER
GREGORY J. NELSON
(type or print name of attorney)
2623 North 7th Street
P.O. Address
Phoenix, AZ 85006

☐ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

- ☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

- ☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☒ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

- ☒ This transmittal ends with this page.

Practitioner's Docket No. 696-P-4

PATENT

☒ Applicant RICHARD J. ROGERS ET AL ☐ Patentee _____
☒ Application No. TO BE ASSIGNED ☐ Patent No. _____
☒ Filed on HEREWITH ☐ Issued on _____
Title: LOCATION MARKER

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b))—INDEPENDENT INVENTOR**

As a below named inventor, I hereby state that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person had made the invention, or to any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
☐ Each such person, concern or organization is listed below. *

**NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)*

FULL NAME N/A

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

RICHARD J. ROGERS

Name of inventor

Richard J. Rogers
Signature of Inventor

Date 16 Aug 99
13 Sep 99 RJR

Bradley F. Rogers

Name of inventor

Bradley F. Rogers
Signature of Inventor

Date 8/10/99
9/13/99 RJR

Name of inventor

Signature of Inventor

Date _____

Title of the Invention

LOCATION MARKER

Field of the Invention

The present invention relates to a marker and more particularly relates to a location
5 marker which is freestanding and may be used alone or with additional warning or cautionary
devices at crime scenes, sporting events or as a traffic control or warning device.

Background of the Invention

Freestanding marker devices are used in connection with various activities and
situations. For example, at sporting events, particularly those such as little league activities,
10 playing field boundaries are often marked with devices such as conventional traffic cones
which are normally used to temporarily mark traffic lanes and restrictions. Conventional traffic
cones due to their size are often unwieldy, difficult to store in a location such as the trunk of a
vehicle and are expensive.

Markers are also used in emergency situations. Motorists often carry markers such as
15 reflectorized panels or flares in the event of a mechanical problem or if a flat tire occurs. Safe
practice dictates that the motorist place markers a prescribed distance on either side of the
vehicle to warn traffic of a disabled vehicle.

Another situation in which markers are utilized is in connection with identifying
evidence at a crime scene by law enforcement investigators or forensic personnel. The proper
20 handling and identification of crime scene evidence is extremely important both to the
investigative procedures and to provide the foundation for subsequent admissibility of evidence
at trial. Accordingly, recently markers for use at crime scenes and as evidence ID markers

have been developed and one such marker is the subject of U.S. Patent No. 5,787,616 entitled "Evidence Marker". This patent shows a marker for placement adjacent an evidence item at a crime scene which marker has upstanding panels connected to form a freestanding unit. A base panel extends from the lower edge of one of the upstanding panels and is imprinted with reference indicia such as suitable reference scales and a photographic target. The surfaces of the panels are imprinted with indicia such as numerals or letters. Markers as shown in the '616 patent are provided for use by individuals such as law enforcement personnel in kits containing multiple sequentially imprinted markers.

Other freestanding markers or signs can be found in the prior art and the following are representative of these.

U.S. Patent No. 1,943,295 shows a three-legged advertising frame and paper weight made from metal stock. The surfaces of the three projecting faces are provided with desired lettering or advertising.

U.S. Patent No. 4,182,063 discloses a foldable sign for a motorist which may be collapsed in accordion fashion and which may be unfolded to display the desired message.

U.S. Patent No. 4,270,291 discloses a sign construction which has a panel securable to a window. Message bearing panels are hinged to the upper panel to allow the user to select and display the appropriate sign.

U.S. Patent No. 4,541,190 shows a foldable, collapsible traffic display sign. The device has three rectangular panels which are connected by two folding hinges. Each of the display carries an appropriate warning such as the word HELP, STOP or the like.

U.S. Patent No. 4,977,697 shows a traffic barrier which is a unitary panel having a plurality of folds to permit the device to be placed in an A-frame configuration displaying appropriate message panels.

U.S. Patent No. 5,056,520 shows a self-standing placard which has a message on its front surface. A curved fastener on the back of the placard cooperates with a stiff spacing member to support the placard.

U.S. Patent No. 4,173,086 shows a sign structure which includes a pole member and means for mounting the pole in an upright position. A sign panel is mounted on the upper portion of the pole. The sign panel is removable.

U.S. Patent No. 3,371,647 shows an athletic field marker for football fields and the like comprising a plastic, pliable, flexible post of foam rubber like material such as polyethylene foam having an impervious cover such as vinyl. A rubber base plate is bonded to the lower end of the post and has a plug insertable in a socket in the ground.

U.S. Patent No. 5,269,251 shows a traffic control system which is useable with signs, flags, rope, tape and light sticks. The patent discloses adapters which attach to the top of a standard cone and may be employed to secure the information sign to the adapter and cone.

Thus, the prior art includes various markers, signs or flag devices which are for display. Generally, with the exception of the evidence marker shown in the '616 patent, these devices require some sort of special mounting, must be erected, unfolded or assembled at the time of display and generally are limited to a specific application such as a field marker or for displaying a sign.

Brief Description of the Invention

Briefly, the present invention provides a marker which is a freestanding integral unit having a base which supports an upwardly converging body. The body may be in the form of a truncated pyramid or cone having an upper end. The upper end has one or more receptacles which receptacles define openings of various shapes such as circular, arcuate, rectangular or the like. The openings are spaced apart so that various types of markers or warning devices may be inserted into the openings and supported in a display position. For example, the circular opening may receive the staff or pole of a small flag. The arcuate and rectangular openings are configured so as to receive the tab extending from the base of flares such as chemical luminescent flares such as those manufactured by American Cyanamid Company and sold under the trademark Cyalume® Light Stick. Preferably, the marker is molded as an integral structure from a suitable durable plastic material. The markers are compact and similarly configured so that they may be nestably stacked for convenient storage.

The body of the marker provides a display surface on which identification indicia such as a letter or numeral may be applied. Also, a reflectorized patch of material such as that sold by 3-M under the trademark SCOTCH LITE® or that sold by Reflexite Corporation under the trademark Reflexite® may be applied for increased visibility and enhanced photographability at a location such as a crime scene. A clip may be attached to the display surface for attachment of a note or card. The base may include one or more magnets so that the marker may be secured to a metal surface such as the roof or hood of a vehicle.

In the preferred embodiment, the body of the marker of the present invention is in the form of a truncated pyramid so that the marker can be used in conjunction with crime scene evidence markers such as those described in U.S. Patent No. 5,787,616. The evidence marker

of the '616 patent can be positioned over the body of the marker of the present invention for added resistance to inadvertent dislocation.

Brief Description of the Drawings

The above and other objects and advantages of the present invention will be more fully understood and appreciated from the following description, claims and drawings in which:

Figure 1 is a perspective view of the marker of the present invention shown used in conjunction with a flag and a light stick;

Figure 2 is a side view showing the marker supporting a flag;

Figure 3 is a side view showing the marker supporting a flare;

Figure 4 is a detailed perspective view of the upper end of the cone showing the lower end of a flag and flares;

Figure 5 is a detailed sectional view taken along line 5-5 of Figure 4.

Figures 6 and 7 show the lower ends of representative flares that may be supported by the marker;

Figure 8 is a side view of another embodiment of the marker having a conical body;

Figure 9 is a perspective view showing the marker of the present invention used in conjunction with an evidence marker of the type shown and described in U.S. Patent No. 5,787,616;

Figure 10 is a side view of the marker and an evidence marker as shown in Figure 9;

and

Figure 11 shows several markers in a stacked, nested position.

Detailed Description of the Drawings

Turning to Figures 1 to 7, a preferred embodiment of the marker of the present invention is shown and is generally designated by the numeral 10. The marker is a unitary structure having a base 12 which is shown as being generally rectangular having side wall 15. The base 12 supports an upwardly converging body 14 which is shown as having opposite planar sides 16 and 18, rear wall 20 and front wall 22. The side walls, front wall and rear wall converge at upper end 24 which may be a generally planar horizontally disposed surface or may be slightly arcuate. The body 12 as shown is generally in the form of a truncated pyramid but may be other configurations such as a truncated cone or the like as seen in Figure 8. Preferably the front and rear walls are angularly disposed with respect to the horizontal at an angle of approximately 30 to 45 degrees.

The outer surfaces of walls 20 and 22 may carry appropriate identification indicia 39 such as numerals or letters. Generally the markers are provided in sets with each marker in a set bearing a different number, letter or combination of letters or numbers for convenience of identification. The numeral "1" is shown in Figure 1 and is representative.

A plurality of receptacles 30, 32 and 34 are provided in the upper surface 24. Receptacle 30 is shown as having a generally arcuate shape. Similarly, depending receptacle 32 is a generally circular. Receptacle 34 is shown as an elongate, rectangular opening. As will be explained, the receptacles are intended to temporarily secure or mount warning devices such as flares or flags and may be various shapes in accordance with the shape of the base or stem of the device to be attached. The receptacles 30, 32 and 34 each have a downwardly

depending wall 35 which extends into the hollow interior 36 of the base to provide support for the article.

The marker 10 is manufactured from suitable material. It is preferred the marker be manufactured from a suitably durable and environmentally resistant material such as a plastic such as polyvinyl chloride, polystyrene, EVA or polyurethane. The markers are fabricated as integral freestanding units by manufacturing techniques such as injection molding. The markers may be provided in any suitable color or colors, preferably highly visible colors such as those designated "day glow" colors. Reflective material may be provided as described for enhanced or increased visibility. In Figure 1, a circular patch of reflective material 38 is affixed to wall 22. Indicia 39, such as a numeral or letter, is also applied to a wall surface. For increased strength, ribs 40 may be provided around the structure such as around the interior periphery of the base.

In use, the markers 10 will normally be provided to the user in sets which can be easily stored and stacked in a nested condition as best seen in Figure 11. When the markers are to be used, such as in connection with sporting activities where field boundaries are to be marked or delineated, the markers are appropriately positioned, as for example at the corners of the playing area. To further provide an indication of the boundaries, a flag such as a flag 50 may be inserted into one of the appropriate receptacles in the top surface of the marker as seen in Figures 1 and 2. Flag 50 has a standard which is in the form of a small diameter pole or rod 51 which is insertable within the receptacle 32. Thus, when the flag is inserted into the base, the flag due to its height provides increased visibility and will also provide numerical identification.

The marker according to the present invention may also be used as a traffic warning and safety device. Motorists carrying the markers may position the marker for display in the event of a problem such as a flat tire or mechanical breakdown in order to warn passing motorists and to attract the attention of those who may render assistance such as highway patrol officers. The markers 16 are placed a safe distance in the front and rear of the disabled vehicle. The motorist would be provided a number of the markers 10 in a kit form along with flags such as flag 50 which can be inserted into the receptacles on the top 24 to provide increased visibility.

If the motorist is disabled during periods of darkness or low light, flares may also be inserted into the marker. Flares, preferably nonflammable light sticks such as the type sold under the trademark Cyalume® would be carried by the motorist. These devices are activated by bending them sufficiently so as to intermix the chemical contents resulting in a chemical luminescence. The base of these types of flares carry a stem or projection which generally is either semi-circular or rectangular in cross section and may be inserted as appropriate into one of the receptacles 30 or 34. Once inserted, the flares are maintained in a highly visible, elevated position to serve as cautionary warning to passing motorists.

The marker 10 of the present invention may also be used at a crime scene to mark evidence. The marker is positioned on a horizontal surface adjacent an item such as an item of evidence which may be a shell casing, a blood spot or the like. As indicated above, the markers are provided in sets which are preferably sequentially marked with numerals or letters. The markers may be placed adjacent an evidence item, so the resulting photograph of the marker and evidence item will identify the specific item of evidence. When the investigation at

the crime scene is concluded, the investigator may collect the various markers 10 that have been distributed and set about the area and recover them for re-use in subsequent investigations stacking them as seen in Figure 11. The configuration of the markers make them easily stackable and nestable so they may be conveniently stored for re-use in an evidence kit or in a vehicle storage area.

The marker of the present invention may also be modified as shown in Figure 4 by the inclusion of a clip 90 secured near the top edge of one or both of the surfaces 20 or 22. The clip is a spring clip of conventional design which can be manually opened to accept one or more sheets 91 of writing material. Thus, the clip can be used to position the writing material on the surface and appropriate notes or markings can be placed thereon, for example by an investigating police officer or forensic investigator.

A permanent magnet such as magnet 95 may be incorporated into the base 15 of the marker 10 as seen in Figure 1. The magnet facilitates placement on a metal surface such as the top or hood of a vehicle for identification purposes if, for example, the marker is used to identify bullet holes in a vehicle.

The marker of the present invention may be used in conjunction with the evidence marker shown in Patent No. 5,787,616 as seen in Figures 9 and 10 in which it is located next to a shell casing "C". Accordingly, the marker 10 of the present invention is manufactured having dimensions and with the angularity of faces 20 and 22 such that the evidence marker "M" of the '616 patent having an inverted V-shaped, unitary, freestanding configuration can be positioned over the marker 10 of the present invention. In this way, the evidence marker "M", of the type shown in the '616 patent, is additionally secured against displacement or

dislodgement due to weather conditions with the marker of the present invention providing anchoring. The evidence marker "M" may be provided with an aperture 62 which allows a flag 50 to be inserted into the marker 10.

5 It will be obvious to those skilled in the art to make various changes, alterations and modifications to the structure, arrangement, proportion, elements, materials and components used in the practice of the marker of the present invention. To the extent such changes, alterations and modifications do not depart from the spirit and scope of the appended claims. They are intended to be encompassed therein.

I CLAIM:

CLAIMS:

1. A location marker comprising:

- (a) a generally upwardly converging body having a lower base and an upper generally planar top surface;
- 5 (b) said top surface defining at least one receptacle for the temporary support of a signal device.

2. The location marker of Claim 1 wherein said body is in the form of a truncated pyramid.

3. The location marker of Claim 1 wherein said body is in the form of a truncated cone.

4. The location marker of Claim 1 wherein said body is hollow and is molded from a plastic material.

5. The location marker of Claim 1 wherein said top surface defines a plurality of receptacles having circular, arcuate and rectangular cross sections.

6. The location marker of Claim 1 wherein said body includes clip means.

7. The location marker of Claim 1 wherein said lower base includes a magnet.

8. A location marker comprising:

- (a) a hollow body having a base and a side wall which side wall converges upwardly to a top surface;
- (b) said top surface defining a plurality of receptacles for the temporary support of a signal device, each said receptacle having a wall depending into said hollow interior;
- (c) said receptacles being shaped to support the base of a flare and the standard of a warning flag.

9. The location marker of Claim 8 wherein said body is generally pyramidal.

10. The location marker of Claim 8 wherein said body is generally conical.

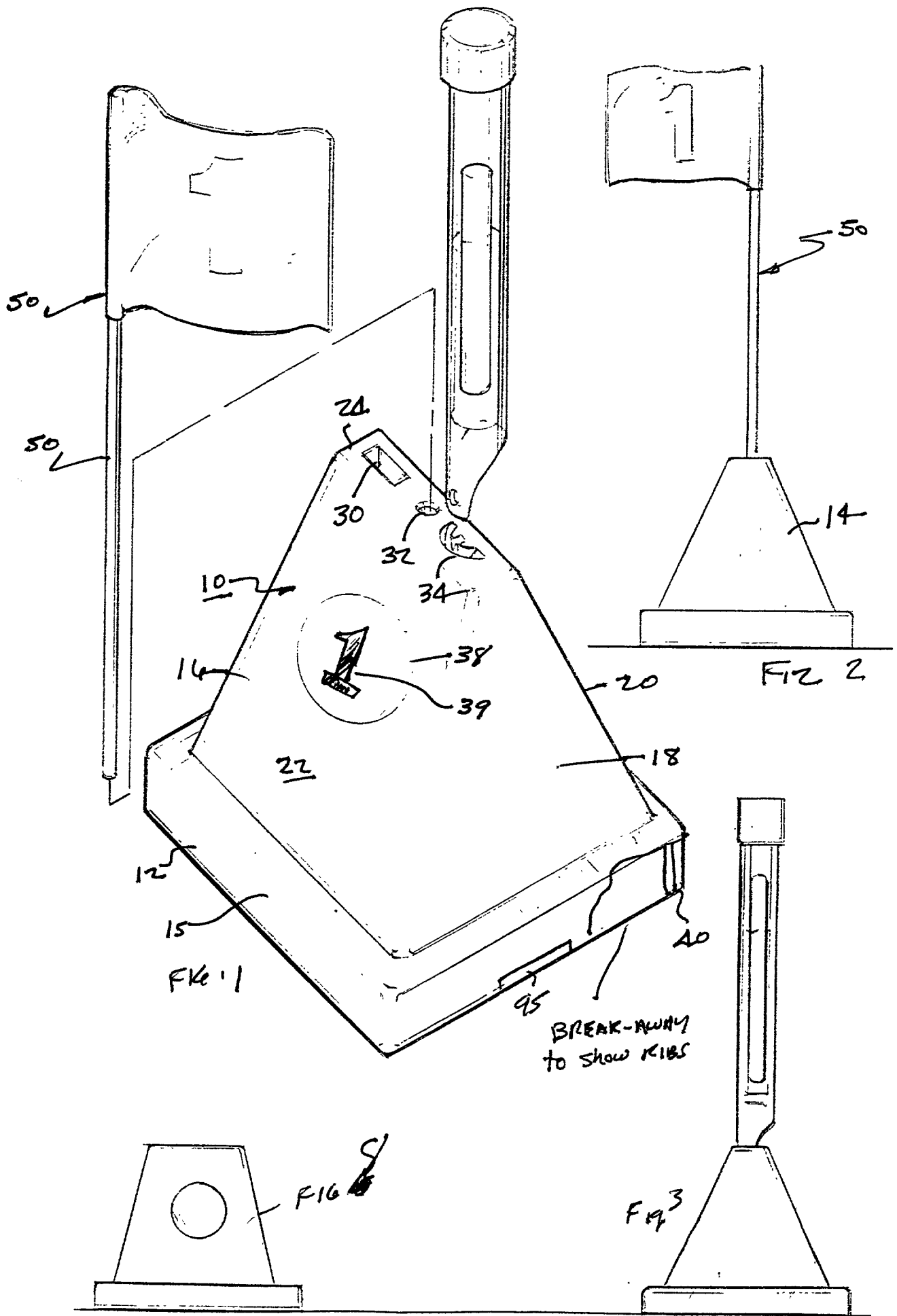
11. The location marker of Claim 8 wherein said body is a high visibility color.

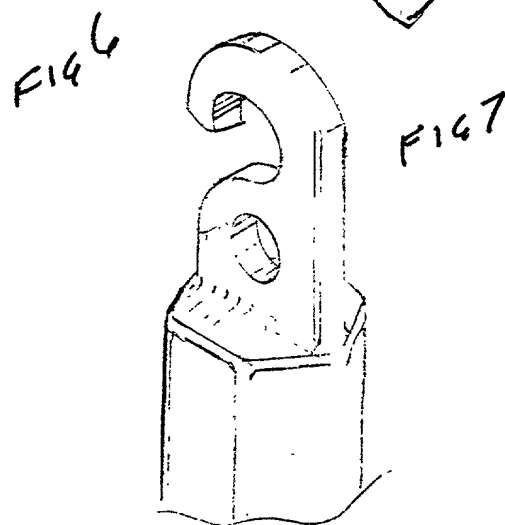
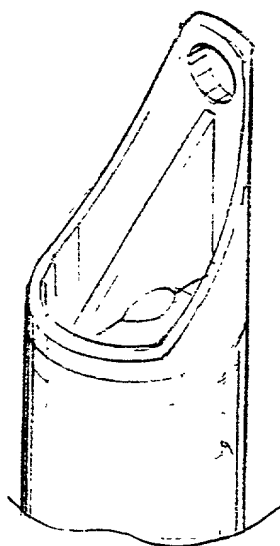
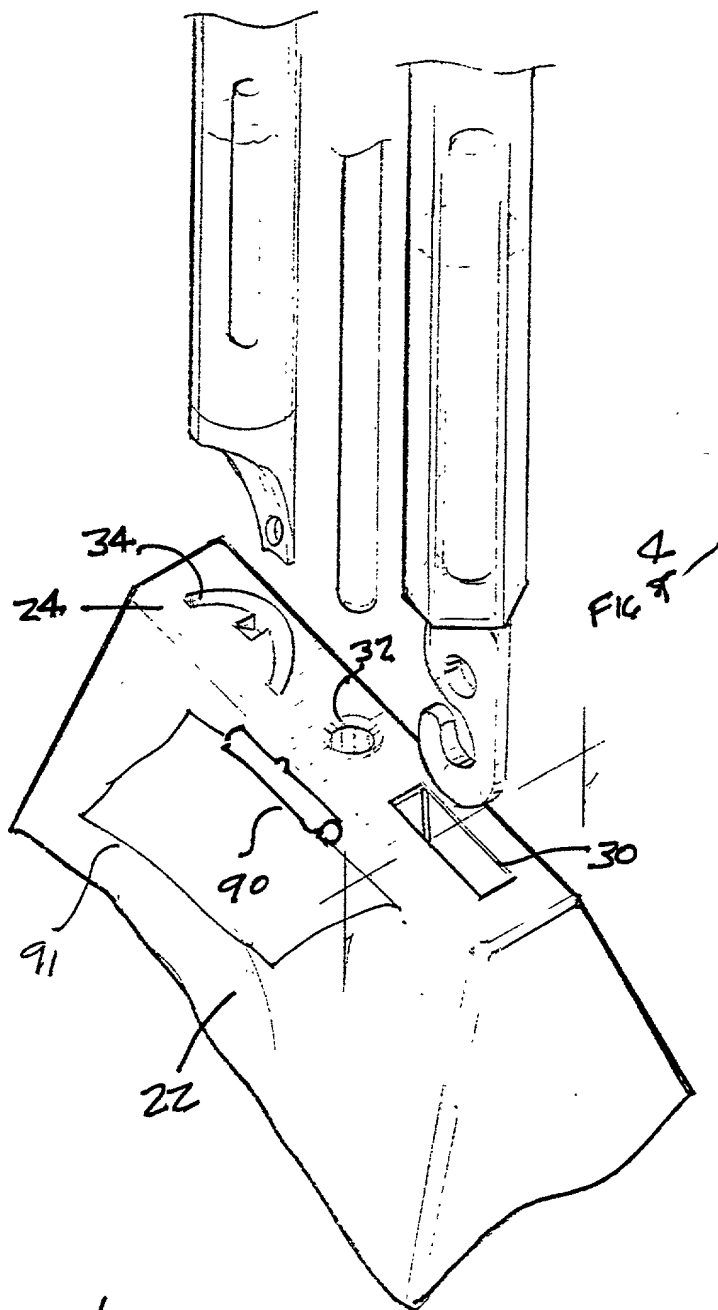
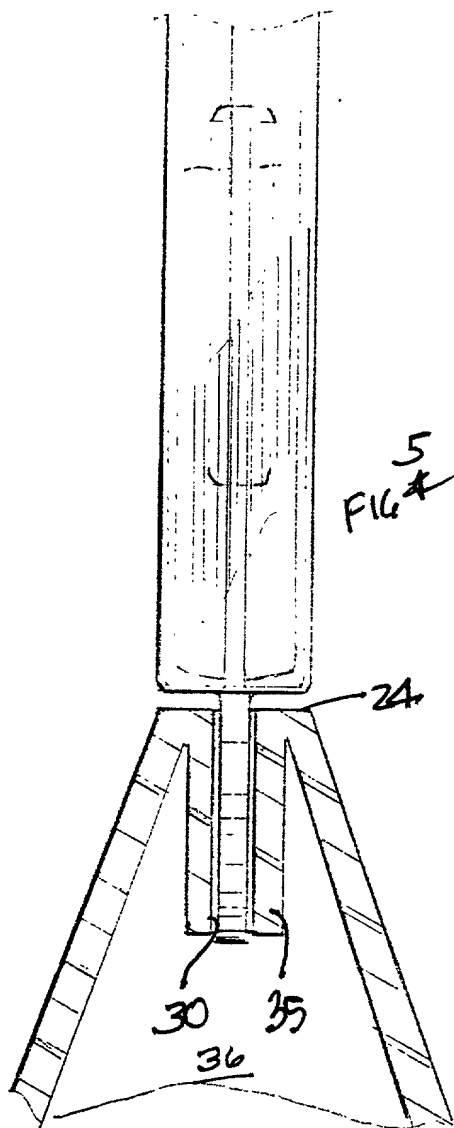
12. The location marker of Claim 8 further including identifying indicia on said marker.

Abstract of the Disclosure

A location marker having an upwardly converging body having one or more receptacles at the upper end which are configured to removably support chemical luminescent flares, flags or other warning devices. The device may be used by motorists, at crime scenes or even as boundary markers for sporting events.

5





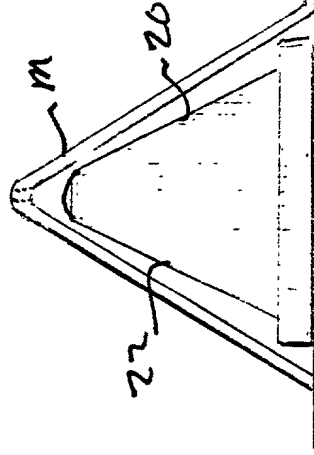
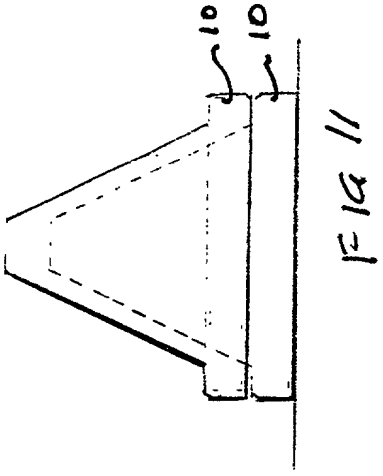
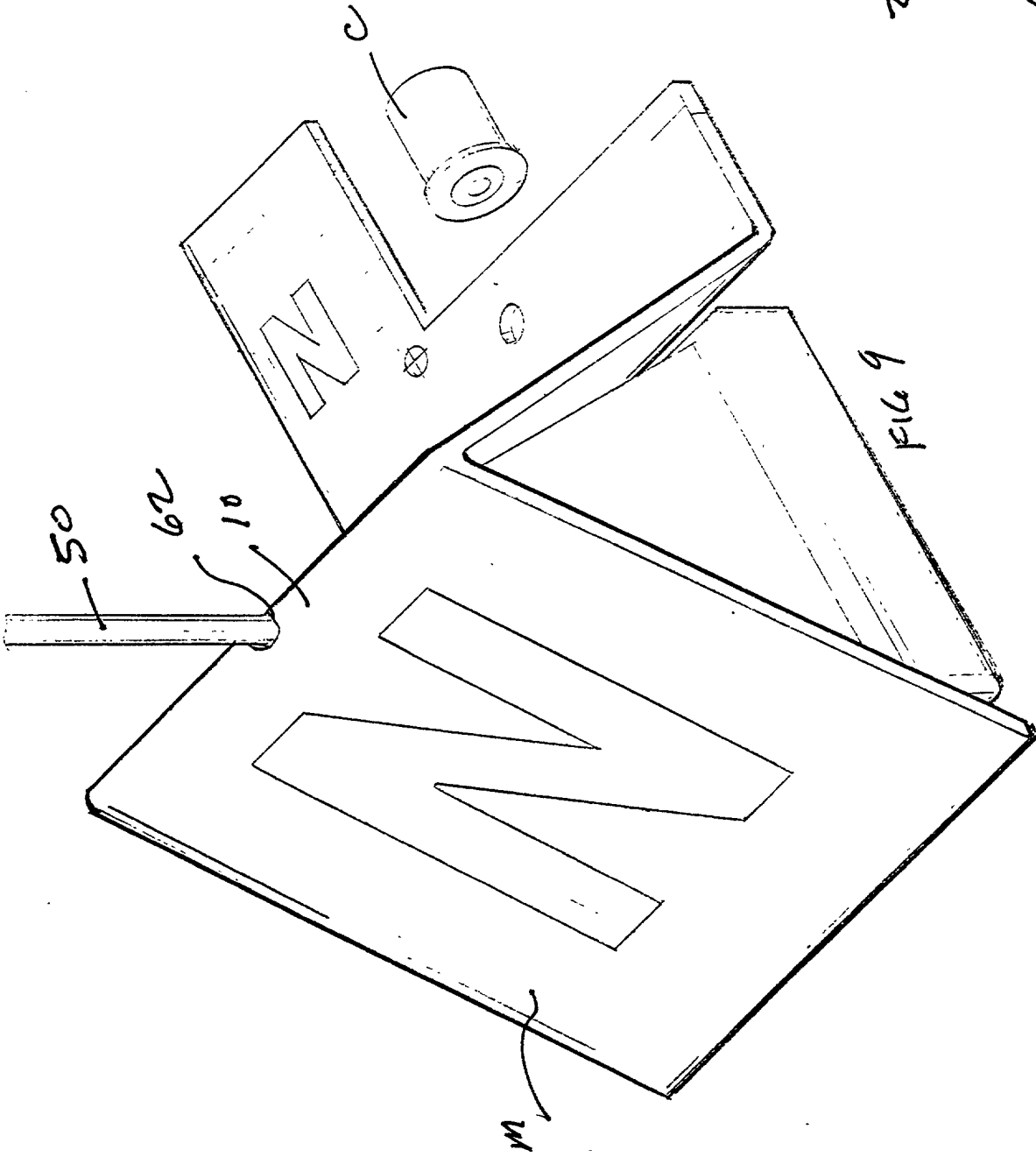


FIG 10

FIG 9

FIG 11

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☒ original.
☐ design.
☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

- ☐ divisional.
☐ continuation.

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements — nonprovisional application).

- ☐ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

WARNING: *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

LOCATION MARKER

SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b), or (c))

(a) ☒ is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 60).

(b) ☐ was filed on _____, as ☐ Serial No. 0 / _____
or ☐ _____
and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3.

(c) ☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____ (if any).

SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))

(complete the following where a supplemental declaration is being submitted)

- ☐ I hereby declare that the subject matter of the
- ☐ attached amendment
 - ☐ amendment filed on _____

was part of my/our invention and was invented before the filing date of the original application, above-identified, for such invention.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. §§ 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

____ / _____
____ / _____
____ / _____

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)
UNDER 35 U.S.C. 120**

- ☐ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

GREGORY J. NELSON	REG. NO. 22,066
JOSEPH H. ROEDIGER	REG. NO. 22,715

(check the following item, if applicable)

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO
GREGORY J. NELSON
☒ Address
NELSON & ROEDIGER
2623 North 7th Street
Phoenix, AZ 85006

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

GREG NELSON
(602) 263-8782

☐ Customer Number _____

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

RICHARD J. ROGERS
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature Richard J. Rogers
Date 10 Aug 99 1384 Country of Citizenship United States of America
Residence Tucson, Arizona U.S.A.
Post Office Address 7540 E Harbor Dr., Tucson AZ. 85715

Full name of second joint inventor, if any

Bradley F. ROGERS
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature Bradley F. Rogers
Date 8/10/99 9/13/99 Country of Citizenship United States of America
Residence Tucson, Arizona U.S.A.
Post Office Address 4932 E Ventana Ridge Pl., Tucson AZ. 85750

Full name of third joint inventor, if any N/A

(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature _____
Date _____ Country of Citizenship _____
Residence _____
Post Office Address _____

(Declaration and Power of Attorney [1-1]—page 6 of 7)

(check proper box(es) for any of the following added page(s)
that form a part of this declaration)

- ☐ **Signature** for fourth and subsequent joint inventors. Number of pages added _____

* * *

- ☐ **Signature** by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added _____

* * *

- ☐ **Signature** for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____

* * *

- ☐ Added page for **signature** by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47)

* * *

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added _____

* * *

- ☐ Authorization of practitioner(s) to accept and follow instructions from representative.

* * *

(if no further pages form a part of this Declaration,
then end this Declaration with this page and check the following item)

☒ This declaration ends with this page.